

Appl. No. 10/707,215
Amdt. dated 10/22/2004
Reply to Office action of 09/22/2004

REMARKS/ARGUMENTS

Election/Restrictions

- 5 The application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: characterized by figures 7-14.

Species 2: characterized by figures 16-24.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be resulted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that
20 all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in
25 dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or
5 clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10 Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Response:

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Applicant elects species 1, which is characterized by figures 7-14, according to 37 CFR 1.143. Claims 1-6, and 9-19 are readable upon the elected species 1, and are thereby elected as the subject matter to be examined in the present application. Claims 7-8 are not readable upon the
20 elected species 1, and are thereby canceled. Consideration of claims 1-6, and 9-19 is politely requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,

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(Please contact me by e-mail if you need a telephone communication and I
will return your call promptly.)

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